

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:08cv565

3:06cr115

ASHLEY T. BROOKS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER comes before the Court upon the Petitioner's Motion for an Evidentiary Hearing (Doc. No. 14), filed October 21, 2009, and Petitioner's Rule 12(c) Motions (Doc. Nos. 5 and 7), filed April 24, 2009, and May 20, 2009.

Petitioner requests that this Court schedule an evidentiary hearing in this matter. Rule 8 of the Rules Governing Section 2255 Proceedings places the decision regarding the necessity of an evidentiary hearing within a district court's discretion. After reviewing the record, this Court is not convinced that an evidentiary hearing is necessary at this time.

Petitioner also requests that this Court issue Judgement in his favor because he alleges that in direct contravention of an order of this Court, Respondent has failed to respond to his request for Grand Jury minutes and his Motion for Discovery. Petitioner is mistaken. This Court ordered Respondent to respond to Petitioner's Motion to Vacate and Motion to Amend. (Doc. No. 6.) This Court has not ordered Respondent to respond to Petitioner's other motions. Consequently, Respondent has not failed to respond and Petitioner's Rule 12(c) motions are

denied.

THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's Motion for an Evidentiary Hearing (Doc. No. 14) is **DENIED**; and
2. Petitioner's Rule 12(c) Motions (Doc. Nos. 5 and 7) are **DENIED**.

Signed: September 7, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

